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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/433,741	11/04/1999	YUKIO MURATA	35.G2492	2920
5514	7590	12/28/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WORKU, NEGUSHIE	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/433,741	MURATA, YUKIO
	Examiner	Art Unit
	Negussie Worku	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

*Spf*

1) Responsive to communication(s) filed on 27 October 2003.

2a) This action is **FINAL**. ~~2b)  This action is not final.~~

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11,13-21,23-29 and 31-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-10,16-20,25-28 and 33-36 is/are allowed.

6) Claim(s) 11,13-15, 21-24, 29, 31 and 32 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. Applicant's arguments with respect to the rejection(s) of claim(s) 11, 13-15, 21, 23-24, 29, 31 and 32, under 35 U.S.C 102 (e) as anticipated by Kaneko et al., (USP 6,134,030) have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made Kaneko et al. (USP 6,134,030) in view of Serizawa (USP 526201).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11, 13-15, 21, 23, 24, 29, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko et al., (USP 6134030) in view of Serizawa (USP 5,262,801).

With respect to claim 11, Kaneko et al. discloses a document scanning device (102 of fig 3) comprising: a scanner (18 of fig 3) which scans an image on a document and generates image data based on the image; a transmitter (selection circuit 44, buffer

memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means) which transmits the image data from said scanner (line sensor 18 of fig 5); a selector (51 of fig 5) which selects a transmission speed for transmitting the image data by said transmitter (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means), with the transmission speed selected by said selector (51 of fig 5, see col.9, lines 55-65, col.10, lines 29-35).

Kaneko et al. does not disclose a controller controls the scanning speed of said scanning means.

However, Serizawa in the same area discloses a controller (setting means 2a of fig 1) controls the scanning speed of said scanning means, see (col.3, lines 59-65).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading apparatus of Kaneko et al., to include the controller that control the scanning speed of the reading apparatus.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading apparatus of Kaneko by the teaching of Serizawa because of the following reasons: it would have provided users with a help to control the speed of the scanner to performs signal processing associated with resolution change-over, as disclosed by Serizawa in col.2, lines 8 -11.

With respect to claim 13, Kaneko et al. discloses the document scanning device (line sensor 18 of fig 3) further comprising an interface (10 of fig 3) for establishing a connection to an image processing apparatus, (11 of fig 3) wherein said transmitter (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means) transmits the image data to said image processing apparatus (11 of fig 3) via said interface (10 of fig 3).

With respect to claim 14, Kaneko et al., discloses the document-scanning device, (18 of fig 3) wherein said selector means selector (51 of fig 5), selects the transfer mode in accordance with parameters of said interface (interface I/F 10 of fig 3).

With respect to claim 15, Kaneko et al discloses the document scanning device, (18 of fig 3) wherein said selector means selector (52 of fig 5) selects the transfer mode, based on an instruction received from said image processing apparatus (21 of fig 3) via said interface (10 of fig 3).

With respect to claim 21, Kaneko et al. a control method for a scanner (18 of fig 3) comprising the steps of scanning an image on a document, see (col.8, lines 23-27); and generating image data based on the scanned image see (col.8, lines 23-27); transferring (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means) the image data obtained in the generating step; selecting (51 of fig 5) a transfer mode for transferring

the image data in the transferring step, with the transfer mode selected in the selecting step, see (col.8, lines 23-25).

Kaneko et al. does not disclose a controller controls the scanning speed of said scanning means.

However, Serizawa in the same area discloses a controller (setting means 2a of fig 1) controls the scanning speed of said scanning means, see (col.3, lines 59-65).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading apparatus of Kaneko et al., to include the controller that control the scanning speed of the reading apparatus.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading apparatus of Kaneko by the teaching of Serizawa because of the following reasons: it would have provided users with a help to control the speed of the scanner to performs signal processing associated with resolution change-over, as disclosed by Serizawa in col.2, lines 8 -11.

With respect to claim 23, Kaneko et al. the controller (switch circuit 52 of fig 5) method further comprising an interfacing (interface 10 of fig 3) step for establishing a connection to an image processing apparatus, (21 of fig 3) wherein said transferring step transfers the image data to said image processing apparatus (21 of fig 3) during said interfacing step (interface 10 of fig 1).

With respect to claim 24, Kaneko et al. discloses the control method (controller 52 of fig 5) wherein said selecting step selects (selecting means 51 of fig 5) the transfer mode in accordance with parameters of said interfacing step (interface 10 of fig 3).

With respect to claim 29, Kaneko et al. disclose a computer readable program (host computer 11 provides a soft ware program for controlling scanner 18 of fig 3) for controlling a scanner, said computer-readable program stored in a storage medium (hard drive of computer 11 of fig 3, can store computer readable program), said computer readable program comprising the steps of: scanning an image on a document see (col.8, lines 23-27); generating image data based on the scanned image see (col.8, lines 23-27); transferring the image data obtained in the generating step; selecting a transferring speed for transferring the image data in the transferring steps, transmission speed selected by said selector (51 of fig 5, see col.9, lines 55-65, col.10, lines 29-35).

Kaneko et al. does not disclose a controller controls the scanning speed performed in scanning step.

However, Serizawa in the same area discloses a controller (setting means 2a of fig 1) controls the scanning speed performed in a scanning step, see (col.3, lines 59-65).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading apparatus of Kaneko et al., to include the controller that control the scanning speed of the reading apparatus.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading apparatus of Kaneko by the teaching of Serizawa because of the following reasons: it would have provided users with a help to control the speed of the scanner to performs signal processing associated with resolution change-over, as disclosed by Serizawa in col.2, lines 8 -11.

With respect to claim 31, Kaneko discloses the computer-readable program (a program generated by computer 11 of fig 3) further comprising an interface step (interface 10 of fig 3) for establishing a connection to an image processing apparatus, (host computer 11 of fig 3 as a processor) wherein said transferring step (selection circuit 44, buffer memory 45, 46 in connection with and read/write address counter 48 and 49 are serving as a data transfer means) transfers the image data to said image processing apparatus (11 of fig 3) during said interfacing step.

With respect to claim 32, Kaneko et al. discloses the computer-readable program, (program provided by host computer 11 of fig 3) wherein said controlling step selects (52 of fig 5) a transfer mode in accordance with parameters of said interfacing (10 of fig 3) step.

***Allowable Subject Matter***

4. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-10, 16-20, 25-28 and 33-36 are allowed.

With respect to allowed claims as shown above, applicant's remarks and amendments in response to the office action dated April 21, 2004 has been reviewed and respectfully considered. Applicant's remarks as indicated in page 12 of paragraph 4, the last 7 lines through page 13 lines 1-5, and page 14 of lines 1-8, argues that the prior art Kaneko et al. (USP 6,134,030) alone or in combination does not teach or disclose claims as amended. Applicant's arguments with regard to claims 1-10, 16-20 and 25-28 as amended have been persuasive.

Therefore, it is respectfully considered that claims 1-10, 16-20 and 25-28 have been allowed for the reasons that the prior arts are not read on those claims as amended.

***Response to the Arguments***

5. Applicant's response dated July 21, 2004 have been reviewed and respectfully considered. The remarks made by applicant regarding the relevance of the prior arts with regard to claim 1-10, 16-20, 25-28 and 33-36 as amended has been found persuasive and are Allowed.

However, with respect to claims 11, 13-15, 21, 23-24, 29, 31 and 32 Applicant's arguments are not persuasive and applicant's amendment necessitated a new

ground(s) of rejection as presented in this Office action. The detail of the office action as stated in paragraph 2 of this office action shows the cited prior arts in combination fully discloses the limitation of claims 11, 13-15, 21, 23-24, 29, 31 and 32.

Therefore, for the reasons discussed above claims 11, 13-15, 21, 23-24, 29, 31 and 32 are not in condition for allowance.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 305-5441. The examiner can normally be reached on 7am-4pm.

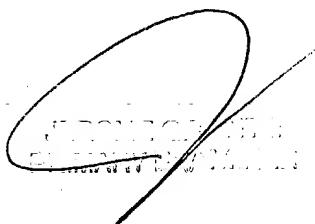
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kimberly Williams** can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Negussie Worku

12/14/04



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